

Message Text

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ORIGIN EB-08

INFO OCT-01 AF-10 EUR-12 IO-13 ISO-00 L-03 TRSE-00
STR-04 COME-00 AID-05 AGRE-00 CEA-01 CIAE-00
DODE-00 FRB-03 H-01 INR-07 INT-05 LAB-04 NSAE-00
NSC-05 PA-01 SS-15 ITC-01 USIA-06 PRS-01 SP-02
FEAE-00 OMB-01 XMB-02 OPIC-03 /114 R

DRAFTED BY EB/IFD/OIA:TRBRODERICK
APPROVED BY EB/IFD/OIA:RDKAUZLARICH
AF/C:RKATES (SUBS)
B:PBOEKER (DRAFT)
L:DVAGTS (DRAFT)
AF/EP:WHITE (DRAFT)
TREASURY:RGOODMAN (SUBS)
TREASURY:HSHAPIRO
STR:MHATHAWAY (SUBS)
EB/ITP/GCP:MBAAS (SUBS)
L/AF:MMATHERSON(INFO)
L/AF:SCHEMTOB(INFO)
L/EB:SBOND(INFO)
COMMERCE:JFELDMAN(INFO)
AID/PPC:RCRISLER(INFO)
AID/AF/GC:EDRAGON(INFO)
-----291816Z 057930 /43

O R 291755Z APR 77
FM SECSTATE WASHDC
TO AMEMBASSY BONN IMMEDIATE
INFO AMCONSUL DOUALA
AMEMBASSY KINSHASA
AMEMBASSY LIBREVILLE
USMISSION USUN NEW YORK
AMEMBASSY YAOUNDE

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E.O. 11652: N/A

TAGS: EINV, CF

SUBJ C : EXPROPRIATED U.S. PROPERTY AND ELIGIBILITY OF THE
CO G OR GENERALIZED PREFERENCES (GSP)

REFS: (A) DOUALA 94, (B) BONN 4239, (C) BONN 4238,
(D) DOUALA 73, (E) BONN 3616, (F) STATE 24684

1. PLEASE REQUEST FRG FOREIGN MINISTRY TO TRANSMIT FRENCH TEXT OF FOLLOWING MESSAGE (PARA. 3 BELOW) TO THE CONGOLESE GOVERNMENT ON AN URGENT BASIS VIA THE FRG EMBASSY IN BRAZZAVILLE. WOULD APPRECIATE PROMPT REPORT OF DELIVERY OF MESSAGE AND OF ANY CONGOLESE REACTION TO IT. FYI. SHOULD THE CONDITIONS IN OUR NOTE NOT BE MET, WE WILL HAVE NO CHOICE BUT TO WITHDRAW OR SUSPEND GSP ELIGIBILITY IN ACCORDANCE WITH OUR STATUTORY REQUIREMENTS. WOULD APPRECIATE FRG FOREIGN MINISTRY INFORMING GERMAN AMBASSADOR IN BRAZZAVILLE, HOWEVER, THAT WE REMAIN INTERESTED IN EXPLORING POSSIBLE NORMALIZATION OF RELATIONS WITH THE CONGOLESE, AND THAT ANY NEGATIVE ACTION ON GSP IS NOT INTENDED TO SIGNIFY OTHERWISE. END FYI.

2. FOR INFORMATION PURPOSES ONLY, THE ENGLISH TEXT OF THE MESSAGE IS AS FOLLOWS:

ON FEBRUARY 18, 1977 THE UNITED STATES INFORMED THE

PEOPLE'S REPUBLIC OF THE CONGO OF ITS INTENTION TO WITHDRAW ELIGIBILITY OF THAT COUNTRY FOR GENERALIZED PREFERENCES BECAUSE OF THE LACK OF PROGRESS MADE TOWARD RESOLVING THE OUTSTANDING CLAIMS OF TEXACO AND MOBIL FOR PROPERTIES NATIONALIZED ON JANUARY 12, 1974. THE UNITED STATES ALSO POINTED OUT THAT BEFORE IMPLEMENTING ITS ANNOUNCED INTENTION IN ACCORDANCE WITH THE REQUIREMENTS OF THE LIMITED OFFICIAL USE

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TRADE ACT, IT WOULD TAKE INTO ACCOUNT ANY INFORMATION RECEIVED IN THE INTERIM REGARDING STEPS TAKEN BY THE PEOPLE'S REPUBLIC OF THE CONGO TO PROVIDE COMPENSATION.

THE UNITED STATES UNDERSTANDS THAT SINCE THAT TIME THE PEOPLE'S REPUBLIC OF THE CONGO HAS REAFFIRMED ITS INTENTION TO COMPENSATE AND HAS HAD PRELIMINARY MEETINGS WITH EACH OF THE COMPANIES. THE UNITED STATES ALSO UNDERSTANDS THAT THE PEOPLE'S REPUBLIC OF THE CONGO INTENDS TO HOLD FURTHER SUBSTANTIVE DISCUSSIONS WITH THE COMPANIES IN THE NEAR FUTURE, AND IT WOULD APPRECIATE CONFIRMATION OF THIS.

WHILE ENCOURAGED BY THESE DEVELOPMENTS, IN VIEW OF THE APPLICABLE STATUTORY REQUIREMENTS AND THE TIME WHICH HAS ELAPSED SINCE THE NATIONALIZATIONS OCCURRED, THE UNITED STATES WOULD APPRECIATE BEING INFORMED OF WHAT ADDITIONAL STEPS HAVE BEEN OR ARE BEING TAKEN TO COMPENSATE THE COMPANIES, SUCH AS MAKING THEM FAIR OFFERS OF COMPENSATION OR AGREEING WITH THEM ON A METHOD OF IMPARTIAL VALUATION

OR ARBITRATION OF OUTSTANDING ISSUES.

THE UNITED STATES WILL WITHHOLD COMMENCING FORMAL ACTION TO WITHDRAW OR SUSPEND ELIGIBILITY OF THE PEOPLE'S REPUBLIC OF THE CONGO UNTIL JUNE 30 IN ORDER TO OBTAIN NECESSARY CLARIFICATION OF WHAT ADDITIONAL ACTION IS BEING TAKEN TO BUILD ON THE RECENT MEETINGS WITH THE COMPANIES. IN THE ABSENCE OF SATISFACTORY AND TIMELY CLARIFICATION TO THIS EFFECT, THE UNITED STATES WILL HAVE NO CHOICE BUT TO WITHDRAW OR SUSPEND ELIGIBILITY OF THE PEOPLE'S REPUBLIC OF THE CONGO FOR GENERALIZED PREFERENCES IN ACCORDANCE WITH THE REQUIREMENTS OF THE TRADE ACT.

3. FOR FRG DELIVERY TO THE CONGOLESE, THE FRENCH TEXT FOLLOWS:

LE 18 FEVRIER 1977, LES ETATS-UNIS ONT INFORME LA LIMITED OFFICIAL USE

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REPUBLIQUE POPULAIRE DU CONGO DE LEUR INTENTION D'ANNULER L'ADMISSIBILITE DE CE PAYS AUX PREFERENCES GENERALISEES EN RAISON DU MANQUE DE PROGRES DANS LE REGLEMENT DES DEMANDES D'INDEMNISATION DE TEXACO ET DE MOBIL POUR LES BIENS NATIONALISES LE 12 JANVIER 1974. LES ETATS-UNIS ONT EGALEMENT FAIT RESSORTIR QU'AVANT DE DONNER SUITE A L'INTENTION DONT ILS AVAIENT FAIT PART CONFORMEMENT AUX STIPULATIONS DE LA LOI SUR LE COMMERCE EXTERIEUR ILS TIENDRAIENT COMPTE DE TOUTES INFORMATIONS RECUES DANS L'INTERVALLE CONCERNANT LES MESURES PRISES PAR LA REPUBLIQUE POPULAIRE DU CONGO POUR ASSURER CETTE INDEMNISATION.

LES ETATS-UNIS CROIENT COMPRENDRE QUE DEPUIS CETTE DATE LA REPUBLIQUE POPULAIRE DU CONGO A REITERE SON INTENTION D'INDEMNISER CHACUNE DES SOCIETES INTERESSEES ET QU'ELLE A PROCEDE A DES POURPARLERS PRELIMINAIRES AVEC CELLES-CI. LES ETATS-UNIS CROIENT COMPRENDRE EGALEMENT QUE LA REPUBLIQUE POPULAIRE DU CONGO SE PROPOSE DE PROCEDER A DE NOUVELLES DISCUSSIONS SUR LE FOND DE CES QUESTIONS AVEC LESDITES SOCIETES DANS UN PROCHE AVENIR, ET LES ETATS-UNIS SOUHAITERAIENT RECEVOIR CONFIRMATION DE CECI. BIEN QU'ILS TROUVENT CES FAITS ENCOURAGEANTS, VU LES DISPOSITIONS STATUTAIRES APPLICABLES ET LES DELAIS ECOULES DEPUIS LES NATIONALISATIONS, LES ETATS-UNIS SOUHAITERAIENT ETRE INFORMES DE TOUTES AUTRES MESURES QUI ONT ETE OU SONT EN VOIE D'ETRE PRISES POUR INDEMNISER LES SOCIETES, MESURES QUI POURRAIENT NOTAMMENT CONSISTER A LEUR FAIRE DES OFFRES EQUITABLES D'INDEMNISATION, OU A CONVENIR AVEC ELLES D'UNE METHODE D'APPRECIATION IMPARTIALE OU D'UN ARBITRAGE DES QUESTIONS A REGLER.

LES ETATS-UNIS S'ABSTIENDRONT D'ENTREPRENDRE TOUTE ACTION
OFFICIELLE DE RETRAIT OU DE SUSPENSION DE L'ADMISSIBILITE
DE LA REPUBLIQUE POPULAIRE DU CONGO JUSQU'AU 30 JUIN,
AFIN D'OBTENIR LES PRECISIONS NECESSAIRES SUR TOUTES
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NOUVELLES MESURES PRISES POUR DONNER SUITE AUX ENTRETIENS
RECENTS AVEC LESDITES SOCIETES. EN L'ABSENCE DE PRECISIONS
SATISFAISANTES FOURNIES EN TEMPS VOULU A CET EFFET, LES
ETATS-UNIS N'AURONT D'AUTRE CHOIX QUE D'ANNULER OU DE
SUSPENDRE L'ADMISSIBILITE DE LA REPUBLIQUE POPULAIRE DU
CONGO AUX PREFERENCES GENERALISEES, CONFORMEMENT AUX
STIPULATIONS DE LA LOI SUR LE COMMERCE EXTERIEUR.

4. WE APPRECIATE CONTINUING ASSISTANCE OF FRG AND
ADDRESSEE POSTS IN THIS MATTER.
VANCE

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NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: NATIONALIZATION, PROPERTY PROTECTION, TEXT, PETROLEUM, GENERALIZED PREFERENCES (TARIFFS)
Control Number: n/a
Copy: SINGLE
Sent Date: 29-Apr-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE097025
Document Source: CORE
Document Unique ID: 00
Drafter: TRBRODERICK
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770150-0801
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t1977043/aaaaacki.tel
Line Count: 192
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: f72a8ea0-c288-dd11-92da-001cc4696bcc
Office: ORIGIN EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 77 DOUALA 94, 77 BONN 4239, 77 BONN 4238, 77 DOUALA 73, 77 BONN 3616, 77 STATE 24684
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 01-Feb-2005 12:00:00 am
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Review Exemptions: n/a
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Review Release Date: n/a
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Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2725701
Secure: OPEN
Status: NATIVE
Subject: C : EXPROPRIATED U.S. PROPERTY AND ELIGIBILITY OF THE CO G OR GENERALIZED PREFERENCES (GSP)
TAGS: EINV, CF, US, FR
To: BONN
Type: TE
vdkgvwkey: odhc://SAS/SAS.dbo.SAS_Docs/f72a8ea0-c288-dd11-92da-001cc4696bcc
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